

1 BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
2 RICHARD L. KELLNER, SBN 171416
(rlk@kbklawyers.com)
3 ALFREDO TORRIJOS, SBN 222458
(at@kbklawyers.com)
4 KABATECK BROWN KELLNER LLP
5 644 South Figueroa Street
6 Los Angeles, California 90017
7 Telephone: (213) 217-5000
Facsimile: (213) 217-5010

8 Attorneys for Plaintiffs
9 and the Proposed Class

10 UNITED STATES DISTRICT COURT
11
12 CENTRAL DISTRICT OF CALIFORNIA

13 SHALENA DYSTHE, ERIC HALL, and
14 CHAUNTE WEISS, individually and on
15 behalf of others similarly situated,

16 Plaintiffs,

17 vs.

18 BASIC RESEARCH, L.L.C., a Utah
19 limited liability company; THE CARTER-
20 REED COMPANY, LLC, a Utah limited
21 liability company; DYNAKOR
22 PHARACAL, L.L.C., a Utah limited
23 liability company; GENERAL
24 NUTRITION CORPORATION, dba GNC,
25 a Pennsylvania corporation; CVS
26 CAREMARK CORPORATION, a
27 Delaware corporation; WAL-MART
28 STORES, INC., a Delaware corporation;
TARGET CORPORATION, a Minnesota
corporation; and DOE DEFENDANTS 1-
10, Inclusive,

Defendants.

CV 09 08013 GHK (MANx)
Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

2009 NOV -2 PM 4:04
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

I. INTRODUCTION

This lawsuit is intended to put an end to the false advertising regarding the efficacy of weight-loss products known as Relacare, Relacore Extra, and Relacore PM (collectively, "Relacore"). Defendants falsely advertise Relacore as "America's #1 Belly Fat Pill." As a result of Defendants' misleading message, Carter-Reed has sold more than 12.7 million bottle of Relacore worldwide.

The "Manufacturing Defendants" (defined below) invent names for their products, including Relacore, that are confusingly similar to genuine pharmaceutical companies or products and then make wild (and completely false) claims about their effectiveness. The "Retailer Defendants" (defined below) peddle the products despite knowing they are worthless because they are wildly profitable.

Plaintiffs bring this lawsuit to stop the Defendants from fleecing millions of Americans from millions of dollars and to recover the many millions of dollars that the class members are entitled to have refunded to them.

II. THE PARTIES

A. Plaintiffs.

1. Plaintiff Shalena Dysthe ("Plaintiff Dysthe") is a citizen of California who maintains her permanent residence in the Central District of California.

2. Plaintiff Eric Hall ("Plaintiff Hall") is a citizen of California who maintains his permanent residence in the Central District of California.

3. Plaintiff Chaunte Weiss ("Plaintiff Weiss") is a citizen of California who maintains her permanent residence in the Central District of California.

1 **B. The “Manufacturing Defendant.”**

2 4. BASIC RESEARCH, L.L.C. (Basic Research) is a Utah limited liability
3 company with its principal place of business in the state of Utah, and thus is a citizen
4 only of the state of Utah. Basic Research does business in California. Basic Research
5 promotes, markets, distributes and sells Relacore throughout the United States,
6 including to thousands of consumers in California.

7
8 5. THE CARTER-REED COMPANY, LLC (“Carter-Reed”) is a Utah
9 limited liability company with its principal place of business in the state of Utah, and
10 thus is a citizen only of the state of Utah. Carter-Reed does business in California.
11 Carter-Reed promotes, markets, distributes and sells Relacore throughout the United
12 States, including to thousands of consumers in California.

13 6. DYNAKOR PHARMACAL, L.L.C. (Dynakor) is a Utah limited liability
14 company with its principal place of business in the state of Utah, and thus is a citizen
15 only of the state of Utah. Dynakor does business in California. Dynakor promotes,
16 markets, distributes and sells Relacore throughout the United States, including to
17 thousands of consumers in California.

18 **C. The “Retailer Defendants.”**

19 7. GENERAL NUTRITION CORPORATION, dba GNC (“GNC”), is
20 incorporated in the State of Delaware and is headquartered in Pittsburgh, Pennsylvania.
21 GNC is registered to do business in the state of California, and does business in
22 California. GNC promotes, markets, and sells Relacore throughout the United States,
23 including to thousands of consumers in California.

24
25 8. CVS CAREMARK CORPORATION (“CVS”) is a corporation organized
26 and existing under the laws of the state of Delaware with its principal place of business
27 in Rhode Island. CVS is registered to do business in the State of California, and does
28

1 business in California. CVS promotes, markets, and sells Relacore throughout the
2 United States, including to thousands of consumers in California.

3 9. WAL-MART STORES, INC. ("Wal-Mart") is a corporation organized and
4 existing under the laws of the state of Delaware with its principal place of business in
5 the State of Arkansas. Wal-Mart is registered to do business in the State of California,
6 and does business in California. Wal-Mart promotes, markets, and sells Relacore
7 throughout the United States, including to thousands of consumers in California.

8 10. TARGET CORPORATION ("Target") is a corporation organized and
9 existing under the laws of the State of Minnesota with its principal place of business in
10 Minnesota. Target is registered to do business in the State of California, and does
11 business in California. Target promotes, markets, and sells Relacore throughout the
12 United States, including to thousands of consumers in California.

13 11. Plaintiffs do not know the true names or capacities of the persons or
14 entities sued herein as DOES 1 to 10, inclusive, and therefore sues such Defendants by
15 such fictitious names. Plaintiffs will amend this complaint to set forth the true names
16 and capacities of these Defendants when they have been ascertained.
17

18 19 **III. JURISDICTION AND VENUE**

20 12. This Court has original jurisdiction pursuant to 28 U.S.C. Section
21 1332(d)(2). The matter in controversy exceeds \$5,000,000, exclusive of interest and
22 costs, and some members of the Class are residents of, or entities formed under, states
23 other than California. Further, greater than two-thirds of the Class members reside in
24 states other than the states in which Defendants are citizens

25 13. This Court has personal jurisdiction over each Defendant, and venue is
26 proper in this District, pursuant to 28 U.S.C. Section 1391, because, among other
27 things, Defendants are authorized to conduct business in this District and have
28

1 24. Adequacy: Each Plaintiff will fairly and adequately represent and protect
2 the interests of the Class. Plaintiffs' counsel are experienced in handling complex class
3 action litigation and are generally recognized as among the most successful class action
4 litigators in the Country.

5 25. Superiority: A class action is superior to other available methods for the
6 fair and efficient adjudication of the present controversy. Individual joinder of all
7 members of the class is impracticable. Even if individual class members had the
8 resources to pursue individual litigation, it would be unduly burdensome to the courts in
9 which the individual litigation would proceed. The class action device allows a single
10 court to provide the benefits of unitary adjudication, judicial economy, and the fair and
11 efficient handling of all class members' claims in a single forum. The conduct of this
12 action as a class action conserves the resources of the parties and of the judicial system
13 and protects the rights of the class members.

14 26. Notice: Notice can be provided via Internet publication and at Defendants'
15 retail locations, and paid for by Defendants.

16 27. Exclusions and Limitations: Excluded from each class are governmental
17 entities, Defendants, any entity in which Defendants have a controlling interest, and
18 Defendants' officers, directors, affiliates, legal representatives, employees, co-
19 conspirators, successors, subsidiaries, and assigns, any judicial officer presiding over
20 this matter, and the members of their immediate families and judicial staff. The classes
21 also exclude any persons who purchased but did not use the product or who purchased
22 the product for use by other persons.
23

24 ///

25 ///

26 ///

27 ///

28 ///

1 VI. CAUSES OF ACTION

2 FIRST CAUSE OF ACTION

3 VIOLATION OF CALIFORNIA CONSUMERS LEGAL REMEDIES ACT

4 (By Plaintiffs and On Behalf of the Class as against Basic Research, Carter-Reed,
5 Dynakor, GNC, CVS, Wal-Mart and Target)

6 28. As explained above Defendants' wrongful business practices constituted,
7 and constitute, a continuing course of conduct of violation of the California Legal
8 Remedies Act since Defendants are still misrepresenting the efficacy of the products.

9 29. Defendants violated and continue to violate the Act by engaging in the
10 following practices proscribed by California Civil Code §1770(a) in transactions with
11 Plaintiffs and the Class which were intended to result in, and did result in, the sale of
12 Relacore:

13 (5) Representing that [Relacore has] . . . characteristics, . . . uses
14 [or] benefits . . . which they do not have . . .

15 * * *

16 (7) Representing that [Relacore is] of a particular standard,
17 quality, or grade . . . if they are of another.

18 * * *

19 (9) Advertising goods . . . with intent not to sell them as
20 advertised.

21 * * *

22 (16) Representing that the [Relacore has] been supplied in accordance
23 with a previous representation when [it has] not.

24 30. Defendants violated the Act by representing through their advertisements
25 Relacore as described above when they knew, or should have known, that the
26 representations and advertisements were unsubstantiated, false and misleading.
27
28

1 36. Under principles of equity and good conscience, Defendants should not be
2 permitted to keep the money belonging to Plaintiffs and the Class that Defendants have
3 unjustly received as a result of their actions.

4
5 **THIRD CAUSE OF ACTION**

6 **FRAUD**

7 **(By Plaintiffs and On Behalf of the Class as against Basic Research, Carter-Reed,**
8 **Dynakor, GNC, CVS, Wal-Mart and Target)**

9 37. The Defendants' representations regarding the efficacy of Relacore were
10 false.

11 38. As set forth in detail above, Defendants knew that the efficacy
12 representations were false at the time they were made, yet continued to make them with
13 the intent of deceiving Plaintiffs and the Class.

14 39. Plaintiffs and the Class reasonably relied upon and believed Defendants'
15 false efficacy representations in deciding to purchase and use the products.

16 40. Plaintiffs and the Class have suffered actual damages by purchasing and
17 using a worthless product, Relacore, based upon the Defendants false efficacy claims.

18 41. Defendants made these false representations with the specific intent of
19 injuring and defrauding plaintiffs and the classes, and did so with fraudulent intent and
20 malice. Therefore, Plaintiffs and the Class are also entitled to punitive damages against
21 Defendants.
22

23 ///

24 ///

25 ///

26 ///

27 ///

FOURTH CAUSE OF ACTION

VIOLATIONS OF THE CALIFORNIA UNFAIR BUSINESS PRACTICES ACT

§17200 et seq.

(By Plaintiffs and On Behalf of the Class as against Basic Research, Carter-Reed, Dynakor, GNC, CVS, Wal-Mart and Target)

42. Plaintiffs and the Class have suffered injury in fact and have lost money as a result of Defendants' conduct.

43. Defendants' false efficacy representations, labeling, and marketing constitute unfair and deceptive business practices because they are unfair, unlawful, and fraudulent, and because Defendants have made unfair, deceptive, untrue and misleading statements.

44. Plaintiffs and the Class seek an order enjoining Defendants from continuing to engage in unlawful, unfair, or deceptive business practices. Plaintiff and the Class also seek an order requiring Defendants to make full restitution of all moneys it wrongfully obtained from Plaintiffs and the Class.

FIFTH CAUSE OF ACTION

BREACH OF WARRANTY

(By Plaintiffs and On Behalf of the Class as against Basic Research, Carter-Reed, Dynakor, GNC, CVS, Wal-Mart and Target)

45. Defendants have made express affirmations of fact as set forth above. These affirmations are false.

46. Plaintiffs and the Class relied on Defendants' false affirmation, as set forth herein.

47. Defendants' false express affirmations have caused injury to Plaintiffs and the Class.

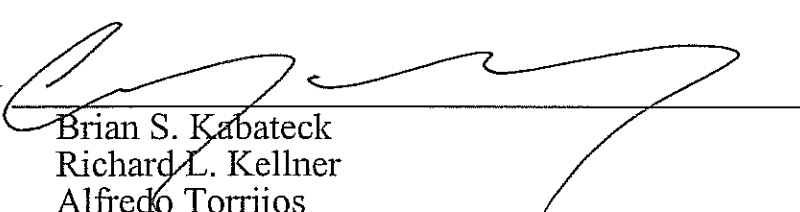
PRAYER FOR RELIEF

Wherefore, Plaintiffs and members of the Class request that the Court enter an order or judgment against Defendants as follows:

1. Certification of the proposed Class and notice thereto to be paid by Defendants;
2. Adjudge and decree that Defendants have engaged in the conduct alleged herein;
3. For restitution and disgorgement on those causes of action where available;
4. For an injunction on those causes of action where available;
5. For compensatory and general damages on those causes of action where available;
6. For exemplary/punitive damages on those causes of action where available;
7. Interest at the maximum allowable rate on any amounts awarded;
8. Reasonable attorneys' fees and costs as allowed by statute; and
9. Any and all such other and further relief that this Court may deem proper.

DATED: November 2, 2009 **KABATECK BROWN KELLNER LLP**

By


Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Counsel for Plaintiffs and the class

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil procedure Section 38(b), Plaintiffs and the Class demand a trial by jury on all issues so triable.

DATED: November 2, 2009 **KABATECK BROWN KELLNER LLP**

By

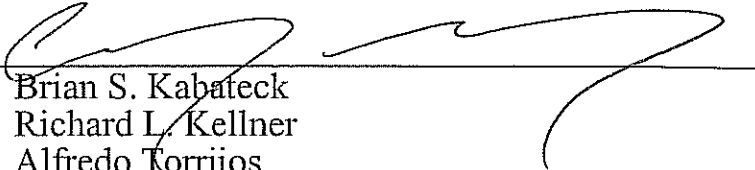

Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Counsel for Plaintiffs and the class

EXHIBIT 1

MF5 12635-12BL9-71

RELACORE

Stress Mitigating Compound*

AS FEATURED ON TV Can an all-natural "feel good pill" help shrink your stress-induced "BELLY FAT"?

Control Belly Fat • Increase Energy

GABA • GABA • GABA • GABA • GABA • GABA



(See Back Panel)

©2007 All Rights Reserved 07112635-4

Helps Reduce Stress-Induced Cortisol

Formulated to help:
Reduce Stress, Reduce Mild Anxiety,
Improve Mood, Fight Mid-Day Fatigue,
Increase Energy

Peel Here

DIETARY SUPPLEMENT

140 capsules [Non-Sedating Formula]

CRC The Carter-Reed Company™



MFS12645-12819-72

RELACORE[®] EXTRA

Maximum Strength Formula

Stress Reducer/Mood Elevator*
Helps Prevent Stress-Related Abdominal Fat*

MAXIMUM STRENGTH

Formula

NEW!

America's
#1 Selling

Belly Fat Pill!

*It's Easy...
You'll Love It!*

*Increase Energy**

DIETARY SUPPLEMENT

[Non-Sedating Formula]

CRC The Cartier-Reed Company

EXHIBIT 2

1 BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
2 RICHARD L. KELLNER, SBN 171416
(rlk@kbklawyers.com)
3 ALFREDO TORRIJOS, SBN 222458
(at@kbklawyers.com)
4 KABATECK BROWN KELLNER LLP
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5 Los Angeles, CA 90017
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6 Facsimile: (213) 217-5010

7 Attorneys for Plaintiffs
and the Proposed Class
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 SHALENA DYSTHE, ERIC HALL, and
12 CHAUNTE WEISS, individually and on
13 behalf of others similarly situated,

14 Plaintiffs,

15 vs.
16

17 BASIC RESEARCH, L.L.C., a Utah
limited liability company; THE
18 CARTER-REED COMPANY, LLC, a
Utah limited liability company;
19 DYNAKOR PHARACAL, L.L.C., a
Utah limited liability company;
20 GENERAL NUTRITION
CORPORATION, dba GNC, a
21 Pennsylvania corporation; CVS
22 CAREMARK CORPORATION, a
Delaware corporation; WAL-MART
23 STORES, INC., a Delaware corporation;
24 TARGET CORPORATION, a Minnesota
25 corporation; and DOE DEFENDANTS 1-
26 10, Inclusive,

27 Defendants.
28

Case No.

CLASS ACTION

DECLARATION OF SHALENA
DYSHT RE VENUE

Judge:
Courtroom:

1 I, Shalena Dysthe, declare as follows:

2 1. I am a Plaintiff in this action, and am a citizen of the State of California. I have
3 personal knowledge of the facts herein and, if called as a witness, I could and would testify
4 competently thereto.

5
6 2. The Complaint in this action, filed concurrently with this Declaration, is filed in the
7 proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county in
8 which Defendants are doing business.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct, and that this Declaration was executed on November 1st 2009, at Riverside,
12 California.

13
14 
15 Shalena Dysthe

1 BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
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(rlk@kbklawyers.com)
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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 SHALENA DYSTHE, ERIC HALL, and
12 CHAUNTE WEISS, individually and on
13 behalf of others similarly situated,

14 Plaintiffs,

15 vs.
16

17 BASIC RESEARCH, L.L.C., a Utah
limited liability company; THE
18 CARTER-REED COMPANY, LLC, a
Utah limited liability company;
19 DYNAKOR PHARACAL, L.L.C., a
Utah limited liability company;
20 GENERAL NUTRITION
CORPORATION, dba GNC, a
21 Pennsylvania corporation; CVS
22 CAREMARK CORPORATION, a
23 Delaware corporation; WAL-MART
24 STORES, INC., a Delaware corporation;
25 TARGET CORPORATION, a Minnesota
26 corporation; and DOE DEFENDANTS 1-
10, Inclusive,

27 Defendants.
28

Case No.

CLASS ACTION

DECLARATION OF ERIC HALL RE
VENUE


Judge:
Courtroom:

1 I, Eric Hall, declare as follows:

2 1. I am a Plaintiff in this action, and am a citizen of the State of California. I have
3 personal knowledge of the facts herein and, if called as a witness, I could and would testify
4 competently thereto.

5
6 2. The Complaint in this action, filed concurrently with this Declaration, is filed in the
7 proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county in
8 which Defendants are doing business.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct, and that this Declaration was executed on November 2, 2009, at Riverside,
12 California.

13
14 
15 Eric Hall

1 BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
2 RICHARD L. KELLNER, SBN 171416
(rlk@kbklawyers.com)
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(at@kbklawyers.com)
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644 South Figueroa Street
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7 Attorneys for Plaintiffs
and the Proposed Class
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 SHALENA DYSTHE, ERIC HALL, and
12 CHAUNTE WEISS, individually and on
13 behalf of others similarly situated,

14 Plaintiffs,

15 vs.
16

17 BASIC RESEARCH, L.L.C., a Utah
limited liability company; THE
18 CARTER-REED COMPANY, LLC, a
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19 DYNAKOR PHARACAL, L.L.C., a
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CORPORATION, dba GNC, a
21 Pennsylvania corporation; CVS
22 CAREMARK CORPORATION, a
Delaware corporation; WAL-MART
23 STORES, INC., a Delaware corporation;
24 TARGET CORPORATION, a Minnesota
25 corporation; and DOE DEFENDANTS 1-
26 10, Inclusive,

27 Defendants.
28

Case No.

CLASS ACTION

DECLARATION OF CHAUNTE
WEISS RE VENUE

Judge:
Courtroom:

1 I, Chaunte Weiss, declare as follows:

2 1. I am a Plaintiff in this action, and am a citizen of the State of California. I have
3 personal knowledge of the facts herein and, if called as a witness, I could and would testify
4 competently thereto.

5
6 2. The Complaint in this action, filed concurrently with this Declaration, is filed in the
7 proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county in
8 which Defendants are doing business.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct, and that this Declaration was executed on November 1, 2009, at Corona, California.

12
13 Chaunte Weiss
14 Chaunte Weiss

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV09 - 8013 GHK (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Richard L. Kellner, SBN 171416
 Alfredo Torrijos, SBN 222458
 Kabateck Brown Kellner LLP
 644 South Figueroa Street
 Los Angeles, CA 90017
 Telephone: (213) 217-5000

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SHALENA DYSTHE, ERIC HALL, and CHAUNTE
 WEISS, individually and on behalf of other similarly
 situated,

PLAINTIFF(S)

v.

Basic Research, L.L.C.;
 See attachment "A"

DEFENDANT(S).

CASE NUMBER

CV09 08013 GHK (MANx)

SUMMONS

TO: DEFENDANT(S): Basic Research, L.L.C., et al.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Alfredo Torrijos, whose address is 644 South Figueroa Street, LA, CA 90017. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: NOV - 2 2009

By: CHRISTOPHER POWERS
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Richard L. Kellner, SBN 171416
 Alfredo Torrijos, SBN 222458
 Kabateck Brown Kellner LLP
 644 South Figueroa Street
 Los Angeles, CA 90017
 Telephone: (213) 217-5000

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SHALENA DYSTHE, ERIC HALL, and CHAUNTE
 WEISS, individually and on behalf of other similarly
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PLAINTIFF(S)

v.

Basic Research, L.L.C.;
 See attachment "A"

DEFENDANT(S).

CASE NUMBER

CV09 08013 GHK (MAN)

SUMMONS

TO: DEFENDANT(S): Basic Research, L.L.C., et al.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Alfredo Torrijos, whose address is 644 South Figueroa Street, LA, CA 90017. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: NOV - 2 2009

By: CHRISTOPHER POWERS
 Deputy Clerk **SEAL**
 (Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Attachment A

BASIC RESEARCH, L.L.C., a Utah limited liability company; THE CARTER-REED COMPANY, LLC, a Utah limited liability company; DYNAKOR PHARACAL, L.L.C., a Utah limited liability company; GENERAL NUTRITION CORPORATION, dba GNC, a Pennsylvania corporation; CVS CAREMARK CORPORATION, a Delaware corporation; WAL-MART STORES, INC., a Delaware corporation; TARGET CORPORATION, a Minnesota corporation; and DOE DEFENDANTS 1-10, Inclusive,

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Shalena Dysthe, Eric Hall and Chaunte Weiss		DEFENDANTS Basic Research, L.L.C. a Utah limited liability company; et al.	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Kabateck Brown Kellner LLP 644 South Figueroa Street Los Angeles, CA 90017 Tel.: 213 217-5000 Fax: 213 217-5010		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:35%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;"></td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): _____ <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) State Statutory and Common law causes of action
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VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV09 08013

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☒ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, Dysthe Riverside County, Weiss San Bernardino County, Hall	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Utah, Pennsylvania, Rhode Island, Delaware, Minnesota, Arkansas

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, Dysthe Riverside County, Weiss San Bernardino County, Hall	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** November 2, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))